

REPLY UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE - TECHNOLOGY CENTER 2600

REMARKS

This is in full and timely response to the final Office Action mailed November 26, 2003 (Paper No. 12). Reexamination and reconsideration in light of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-24 remain pending in the application, with Claims 1, 9, 16, and 22 being the independent claims. Claims 1, 8, 9, 16, and 22 have been cosmetically amended herein. No new matter is believed to have been entered.

Rejection Under 35 U.S.C. § 102

Claims 1-7 and 9-24 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,809,021 (Diaz et al.). This rejection is respectfully traversed.

Each of the independent claims defines an apparatus or method for supporting periodic and aperiodic transmission of data. As is clearly indicated in each of the independent claims, a first time interval is allocated for periodic data transmission, whereas variable time intervals are dynamically assigned for aperiodic data transmission.

Diaz et al. relates to a multi-service switch for a telecommunications network and discloses that the switch is used to support transmission of isochronous and asynchronous data. The Office Action alleges that the isochronous data referred to in Diaz et al. is periodic data, and that the asynchronous data is aperiodic data. While not conceding the propriety of this interpretation, Applicant submits that even assuming *arguendo* that this interpretation is valid, Diaz et al. does not anticipate at least the independent claims.

Specifically, as is clearly taught at column 5, lines 47-52, Diaz et al. teaches initially allocating time slots to asynchronous data, until the need for an isochronous time slot arises, at which point the necessary number of time slots are reserved for isochronous transmission. This method of allocating data transmission time slots, based on the interpretation proffered in the Office Action, is directly opposite to the present inventive concept. Specifically, as was noted above, the independent claims clearly recite that a first time interval is allocated for periodic data transmissions, and that time intervals for aperiodic data transmissions are dynamically assigned.

REPLY UNDER 37 C.F.R. § 1.116 – EXPEDITED PROCEDURE – TECHNOLOGY CENTER 2600

Since independent Claims 1, 9, 16, and 22 each recite at least one feature that is not disclosed in Diaz et al., this citation cannot anticipate these claims. Hence, reconsideration and withdrawal of the § 102(e) rejection is requested.

In addition to withdrawal of the § 102(e) rejection, Applicant submits that Diaz et al., either alone or in combination with the remaining citations of record, does not render at least the independent claims obvious, since the disclosure of Diaz et al. explicitly teaches away from the inventive concept of the present invention.

Conclusion

Based on the above, independent Claims 1, 9, 16, and 22 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

This Amendment was not earlier presented because Applicants earnestly believed the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment Pursuant to 37 C.F.R. § 1.116 is respectfully requested.

Moreover, entry and consideration of this Amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The Amendment overcomes all of the rejections and objections set forth in the above-noted Office Action. The Amendment places the application in better form for appeal, which Applicants fully intend to pursue if necessary. The present Amendment does not raise new issues requiring further search or consideration. Therefore, entry and consideration of the present Amendment are proper under 37 C.F.R. § 1.116 and are hereby requested.

Hence, Applicants submit that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

REPLY UNDER 37 C.F.R. § 1.116 – EXPEDITED PROCEDURE – TECHNOLOGY CENTER 2600

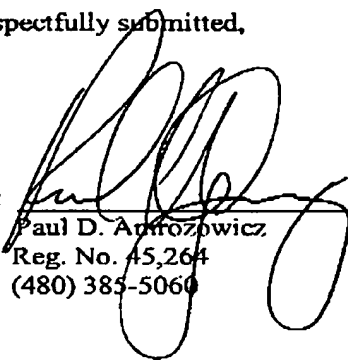
If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

Dated: December 29, 2003

By:


Paul D. Amrozowicz
Reg. No. 45,264
(480) 385-5060

Ingrassia Fisher & Lorenz
Customer No. 29906